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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 ELSA MANULID,

12 Plaintiff,

13 vs.

14 SYCUAN CASINO & RESORT, an  
15 entity; SYCUAN BAND OF THE  
16 KUMEYAAY NATION, an entity;  
UNITED STATES OF AMERICA;  
DOES 1-30, Inclusive,

17 Defendants.

CASE NO. 10cv721 WQH (CAB)

ORDER

18 HAYES, Judge:

19 **BACKGROUND**

20 On April 6, 2010, Plaintiff filed her Complaint against Sycuan Casino & Resort, Sycuan  
21 Band of they Kumeyaay Nation, and Dr. Donald Weiss. (ECF No. 1).

22 On September 9, 2010, the United States filed a Notice of Certification of Scope of  
23 Employment for Defendant Dr. Donald Weiss, a Notice of Substitution of United States of  
24 America as Defendant in Place of Donald Weiss, M.D. and a Motion to Dismiss the Complaint  
which was granted.

25 On September 27, 2010, Plaintiff filed a Request to Enter Default against Sycuan  
26 Casino & Resort and Sycuan Band of Kumeyaay Nation. (ECF No. 11). On September 28,  
27 2010, the Clerk declined to enter default because the proof of service “does not state that the  
28 copies were left with Mr. Forman [general counsel for Sycuan Casino & Resort and Sycuan

1 Band of they Kumeyaay Nation], and nothing indicates with whom (specifically) the  
2 documents were left.” *Id.* Since September 27, 2010, the docket reflects that no action has  
3 been taken by either party in this case.

4 On February 4, 2011, this Court issued an Order which stated:

5 Pursuant to Local Rule 41.1, “[a]ctions or proceedings which have been  
6 pending in this court for more than six months, without any proceeding or  
7 discovery having been taken therein during such period, may, after notice, be  
8 dismissed by the court for want of prosecution.” S.D. Cal. Civ. Local Rule  
9 41.1; *see also* Fed. R. Civ. P. 41(b). It appearing to the Court that dismissal  
10 for want of prosecution may be appropriate in this case, Plaintiff is hereby  
11 ORDERED TO SHOW CAUSE as to why this case should not be dismissed  
12 without prejudice for failure to prosecute.

13 Plaintiff shall file a written response to this ORDER TO SHOW  
14 CAUSE on or before March 4, 2011. If Plaintiff does not respond, the Court  
15 will dismiss this case without prejudice.

16 (ECF No. 16 at 2) (emphasis omitted). To date, Plaintiff has failed to respond to the Order to  
17 Show Cause. Accordingly, this case is dismissed without prejudice. The Clerk shall close the  
18 case.

19 DATED: March 18, 2011

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22 **WILLIAM Q. HAYES**  
23 United States District Judge  
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